

No. 9/3/87-6Lab/6453.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s (i) Xen, HUDA, Division No. 3, Faridabad, (ii) S.E., HUDA, Kothi No. 231, Sector 18A, Chandigarh:—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER, LABOUR COURT,  
FARIDABAD

Reference No. 3 of 1987

*between*

SHRI MAHI PAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF  
M/S. XEN, HUDA, DIVISION NO. 3, FARIDABAD, (ii) S. E., HUDA, KOTHI  
NO. 231, SECTOR 18-A, CHANDIGARH

*Present:* —

None, for the workman.

Shri Randhir Singh, for the respondent.

### AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947), as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act), was made to this Court by the State of Haryana (Department of Labour),—*vide* its endorsement No. ID/FD/127-86/422—428, dated 5th January, 1987 to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Mahi Pal, workman and the respondent-management of M/s. Xen, HUDA, Division No. 3, Faridabad, (ii) S. E., HUDA, Kothi No. 231, Sector 18-A, Chandigarh.

2. No body has appeared on behalf of the workman. On the previous date Shri Balbir Singh was present on behalf of the workman. It is 12.30 P.M. It shows that the workman is not interested to pursue the reference and as such the reference is answered against him.

Dated the 23rd July, 1987.

A. S. CHALIA,  
Presiding Officer,  
Labour Court, Faridabad.

Endst. No. 1397, dated the 25th July, 1987.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of Industrial Disputes Act.

A. S. CHALIA,  
Presiding Officer,  
Labour Court, Faridabad.

No. 9/3/87-6Lab/6454.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. R.M. Control Pvt. Ltd., 13/3, Mathura Road, Faridabad :—

IN THE COURT OF SHRI A. S. CHALIA, PRESIDING OFFICER,  
LABOUR COURT, FARIDABAD.

Reference No. 412 of 1985

*between*

SHRI KAILASH CHAND, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S  
R. M. CONTROL PVT. LTD., 13/3, MATHURA ROAD, FARIDABAD.

*Present:*—

Shri Bhim Singh Yadav, for the workman.

Shri Jagbir Bhadana for the respondent-management.

## AWARD

This reference under section 10(1)(c) of Industrial Disputes Act, 1947 (Act No. 14 of 1947) as amended from time to time and latest by Act No. 49 of 1984 (hereinafter referred as the said Act) was made to this Court by the State of Haryana (Department of Labour),— vide its endorsement No. ID/FD/118-65/29761—66, dated 17th July, 1985, to adjudicate upon the dispute of service matter covered by Second Schedule under section 7 of the said Act, arisen between Shri Kailash Chand, workman and the respondent—management of M/s. R. M. Control Pvt. Ltd., 13/3, Mathura Road, Faridabad. Accordingly, it has been registered as reference No. 412 of 1985.

2. It has been claimed by Kailash Chand that he was appointed by the respondent on 1st January, 1982 and he was not allowed to resume duty on 9th January, 1985. His grievance is that his services were terminated without any valid ground and he be reinstated into his job with continuity of service and further with full back wages.

3. On notice, claim has been contested by the respondent. It has been admitted that he had worked with the respondent for 5/6 months only and had collected full and final compensation. It has been pointed out that as a matter of fact he was in the service of Amit Enterprises and it is this company which is responsible for his claim and not the respondent. By way of replication Kailash Chand has repeated his claim as well as allegation also.

4. The following material issues were framed on 4th February, 1986:—

- (i) Whether there is no relationship of employer and employees between the parties?
- (ii) As per reference?

5. In support of the claim Kailash Chand had appeared. He had examined one Shri Tiwari also. From the side of management Shri Vasney has appeared. Documents have also been produced. I have heard the parties and gone through the case file. My findings on the said issue are as below.

6. *Issue No. 1:—*It has been submitted by the respondent that he had remained in its service for about 5/6 months only and thereafter he had joined the service of M/s. Amit Enterprises. On the file photostat copies of payment of Wages register have been produced. Copies are Ex. M-1 and M-2. It has been stated by Shri Vasney that he was employed in September, 1983 as a casual worker and he had left the job in March, 1984. The demand notice of this workman is without any date and his reference is of April, 1985. It means Failure report Ex. M-11 is of 26th April, 1985. On calculation the period of his service with the respondent is less than 240 days and on the face of it he is not entitled to be termed as being in continuous service. There has been gap of more than one year after March, 1984. It is unfortunate that he has no document in his possession in support of his claim. All other documents produced by the respondent are of Amit Enterprises, who admittedly was a contractor of respondent and workman has not been in a position to create any favourable circumstance in his favour. It is not possible to decide the case on surmises or suspicion. There has been positive stand of the respondent to the effect that he remained in his job for about 4/6 months and thereafter he had joined the service of M/s. Amit Enterprises and to this effect on the file there are many documents. The matter in dispute was probed by Conciliation officer also, and he had also come to the same conclusion. In view of this, conclusion it is held that he was not in respondent employment and he is not entitled to any relief.

The reference is accordingly answered.

Dated the 16th July, 1987.

A. S. CHALIA,

Presiding Officer,  
Labour Court, Faridabad

Endst. No. 1421, dated 31st July, 1987

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, as required under section 15 of I. D. Act.

A. S. CHALIA,

Presiding Officer,  
Labour Court, Faridabad